

MAY 20, 2013

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Mayor Ted Tomaszewski at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Mayor Tomaszewski, Watters (arrived at 7:38 PM), Hazen, Mills, Spenders, Farino, Drazek, Tate.

Absent: Barton, Vaezi, Hight, Creedon.

Also Present: Drew DiSessa, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

Regarding the minutes of the April 15, 2013 meeting, DiSessa stated the proper case number for the Mansfield Commons II matter should be changed to Case #11-09.

MOTION was made by **HAZEN** to approve the minutes of the April 15, 2013 meeting, as amended.

SECONDED: MILLS.

Those in favor: Hazen, Mills, Spenders, Farino, Drazek, Tate.

Opposed: None.

Abstained: Mayor Tomaszewski.

MOTION was made by **SPENDER** to approve the resolution for Case #13-01, OREH, LLC.

SECONDED: MILLS

Those in favor: Mills, Spender, Farino, Drazek.

Opposed: None.

Abstained: None.

Regarding the resolution for Case #11-09, Mansfield Commons II, LLC, DiSessa stated he had a few minor amendments to forward to Edleston. Edleston stated he would make the changes and submit a clean copy to the clerk.

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MOTION was made by **MAYOR TOMASZEWSKI** to approve the resolution for Case #11-09, Mansfield Commons II, LLC as amended by DiSessa.

SECONDED: WATTERS.

Those in favor: Spender, Farino, Drazek, Mayor Tomaszewski, Watters, Hazen, Mills.

Opposed: None.

Abstained: None.

Case #13-02, Nicholas & Adriana Bradley and The Doggie Chalet

Edleston indicated a letter was received from the applicant asking the matter be carried to the June meeting.

Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange, LLC

Edleston stated the applicant was given six months to resolve their issues. The board received a letter from the applicant asking for his application to be withdrawn. Edleston recommended the board take action denying the application, without prejudice. Edleston recommended the denial be conditioned upon reimbursement of the Township all professional fees, compliance with the prior resolution allowing the ten (10) vehicles to be offered for sale, and being given thirty (30) days within which to comply. Edleston stated the applicant would then be subject to a summons in Municipal Court if they don't comply.

Spender asked about the clearing of the rear of the property. DiSessa stated the applicant never had approval, nor is there a site plan for the rear of the property. DiSessa read from the prior resolution granted for the property, and the rear of the property was not addressed.

MOTION was made by **WATTERS** to draft a resolution for Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange, LLC, as recited by Edleston above.

SECONDED: HAZEN.

Those in favor: Farino, Drazek, Tate, Mayor Tomaszewski, Watters, Hazen, Mills, Spender.

Opposed: None.

Abstained: None.

Edleston commented he would write a letter to the applicant advising him of the conditions since he only has thirty (30) days to comply.

Brinkerhoff Enterprises, Inc. Extension Request

DiSessa reported that he visited the site, and a good amount of work mentioned at the last meeting has been done in order to clean up the site.

Watters asked if the water situation had been alleviated. Mills replied the applicant's representatives had not contacted the surrounding homeowners. Mills stated the water ponds when there is a hard rain, and there is flooding by the detention basin by Brantwood Terrace. DiSessa stated he would investigate the matter further.

MOTION was made by **DRAZEK** to grant approval of the extension request by Brinkerhoff Enterprises, Inc. to expire June 30, 2015, pursuant to the Permit Extension Act, and subject to two (2) grass cuttings per growing season to be performed by the applicant.

SECONDED: WATTERS.

Those in favor: Drazek, Tate, Mayor Tomaszewski, Watters, Hazen, Spender, Farino.

Opposed: None.

Abstained: Mills.

Watters asked if action was needed regarding the letter received from the State of New Jersey about Cliffside Park Associates Wells 5 & 6. Edleston stated the letter was just for notification to the Township, and no action was necessary.

Edleston mentioned The Meadows at Mansfield letter. Edleston explained the applicant is requesting an accelerated appeal through the Courts.

Watters explained the history behind the matter, and also related the latest COAH information.

Mayor Tomaszewski asked what was happening with the Notice of Violation in the Robert Messick matter.

DiSessa explained Mr. Messick actually filed an application today, but it is severely incomplete. DiSessa stated there was no checklist or map provided, and a front yard variance would also be required. DiSessa stated the applicant would have to provide notice for a hearing.

Edleston stated the board would have 120 days to act on the matter.

DiSessa stated the original Notice of Violation was given in June of 2012.

Drazek stated maybe the applicant doesn't know how to fill out the application. DiSessa replied there has been guidance from a number of sources.

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DiSessa stated he would write Mr. Messick a letter regarding the application being incomplete.

MOTION was made by **WATTERS** to deem the application of Robert & Susan Messick incomplete for the reasons cited by DiSessa, and authorizing him to write a letter to the applicant.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Watters, Hazen, Mills, Spender, Farino, Drazek, Tate.

Opposed: None.

Abstained: None.

Under old business, Terry Sams, from the audience, attended the meeting as a follow up to the prior Yusen matter discussion. Sams indicated the property owner should be required to put the working areas of the property back to the original condition approved in the existing site plan. Sams reported the applicant has done some fill work on the driveway, but the flow of traffic has been reduced. Sams stated, at this point, it cannot be determined where the current roadway is supposed to be, and there are huge potholes and broken pavement.

DiSessa stated he met with McNemer from Yusen Logistics, and a driveway improvement plan has been submitted. DiSessa stated he wanted some changes made to the plan prior to approving it. DiSessa stated he told him the site had to be restored to the way it was, areas were to be stabilized, and a discussion was held regarding the possibility of widening the driveway to allow for a two-truck width.

Brenda Sams, from the audience, asked why the Township isn't being as firm with Yusen as they are with Messick and Highlands Auto. DiSessa stated he will keep after them.

T. Sams asked why not use the parking lot designated for tractor trailers, which is currently only being used for storage. Sams further explained how the trucks block the road.

Watters explained the Township has to rely on the legalities, but there are also easements between the Sams' and the Yusen Logistics properties that could be fought by the property owners. T. Sams stated he understood there was an easement, but the Yusen Logistics property owners have extended their site improvements redirecting the water runoff. Sams explained the water runoff is what has caused much of the damage.

Edleston stated DiSessa could further look into the matter, and report back to the board at the next meeting.

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DiSessa stated he would write a letter to Yusen Logistics relating the concerns discussed tonight. DiSessa stated he would give Yusen Logistics a time frame within which to comply, and if no compliance, he would risk a summons.

Mrs. Zack asked the status of the Anderson Hotel (Case #13-01, OREH, LLC) matter. Edleston indicated the Board adopted a resolution denying the application.

MOTION was made by **HAZEN** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Tate, Mayor Tomaszewski, Watters, Hazen, Mills, Spender, Farino, Drazek.

Opposed: None.

Abstained: None.

Spender asked why a business and multiple residential properties are allowed to share a driveway. Obviously there are problems.

Edleston stated the shared driveway issue would have been the result of a subdivision, easements, and conditions. The matter is an existing situation, and there really isn't anything official the board can do. Edleston and DiSessa explained the current Ordinance requires a driveway feasibility to provide alternative means of ingress. Watters stated the matter is really between the easement owners.

MOTION was made by **MAYOR TOMASZEWSKI** to adjourn the meeting at 8:32 PM.

SECONDED: HAZEN.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)

